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**THE MARCH 30, 1997 GRENADE ATTACK
IN CAMBODIA**

A STAFF REPORT
TO THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE



OCTOBER 1999

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(II)

LETTER OF TRANSMITTAL

SEPTEMBER 21, 1999.

The Honorable JESSE HELMS
Chairman
Committee on Foreign Relations

The Honorable JOSEPH BIDEN
Ranking Minority Member
Committee on Foreign Relations

DEAR SENATOR HELMS AND SENATOR BIDEN:

Attached is a report on my two recent trips to Cambodia, in December, 1998 (Staffdel Doran) and July, 1999 (Staffdel Berkowitz/Doran).

The primary focus of the trips was the March 30, 1997 grenade attack in Cambodia, which injured an American citizen and which was investigated by the FBI. On the December, 1998 trip, I was accompanied by Paul Berkowitz and Joseph Rees of the House International Relations Committee. On the July, 1999 trip, I was accompanied by Paul Berkowitz and by Michael Westphal of the Senate Foreign Relations Committee.

To this day, the perpetrators of the grenade attack have not been identified. However, based on my analysis of the currently available evidence, which includes FBI reporting, press accounts, and numerous interviews in Cambodia, Thailand and the United States, my report reaches the following conclusions:

(1) Members of Hun Sen's Bodyguard Force participated in the planning and execution of the March 30, 1997 attack.

(2) Hun Sen, being only one of two people with authority over the Bodyguard Force, must have known and approved of the attack.

(3) By June, 1997, the U.S. Government was in possession of overwhelming evidence of conclusions #1 and #2 and has done nothing about it.

U.S. Government passivity on this matter has had profoundly negative consequences for democracy in Cambodia, for today, Hun Sen once again holds unchallenged power in that unfortunate country. With U.S. Government acquiescence, he has succeeded in completely overturning the results of the 1993 U.N. elections, and gained international recognition of this feat to boot. Part of this acquiescence has been the total unwillingness of the U.S. Government to confront Hun Sen with its evidence of his involvement in this bloody massacre.

The report details the evidence that leads me to these conclusions.

Sincerely,

JAMES P. DORAN,
Professional Staff Member for East Asian Affairs

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List of Names That Appear in the Report

- Hun Sen**—ex-Khmer Rouge soldier; part of Vietnamese-installed government in 1979; ruler of Cambodia since 1985
- Prince Norodom Ranariddh**—winner of 1993 elections; co-premier with Hun Sen, 1993–1997
- Sam Rainsy**—opposition politician; target of March 30, 1997 grenade attack
- Ron Abney**—American citizen injured in attack
- General Huy Pised**—Commander of Hun Sen’s Bodyguard Force
- Him Bun Heang**—assistant to General Pised
- Major Chhin Savon**—on-scene commander of Bodyguard Forces at March 30 rally
- Mok Chito**—Commander of Phnom Penh Municipal Police Force; nephew of Hun Sen
- Sar Kheng**—Interior Minister from Hun Sen’s Cambodian People’s Party (CPP)
- General Teng Savon**—Commander of Investigative Commission on the attack (CPP)
- Brazil**—a codename for a major suspect in the case
- General Nhiek Bun Chhay**—former deputy chief of Cambodian armed forces who briefly held Brazil in custody
- Chhay Vee**—Cambodian who confessed to participating in the crime, then recanted
- Chom Bun Theun**—accomplice of Chhay Vee
- Kun Kim**—vice-governor of Kandal province; close associate of Hun Sen

I. INTRODUCTION

On March 30, 1997, Cambodia was rocked by a bloody grenade attack at a political rally organized by opposition politician Sam Rainsy. Shortly after the rally began, at approximately 8:30 a.m., unidentified attackers tossed four hand grenades into the crowd, killing at least sixteen people and injuring over 150.

Sam Rainsy, the apparent target of the attack, was not injured, though his personal bodyguard was killed in the blast. Also injured in the attack was American citizen Ron Abney, of Cochran, Georgia. Abney, an employee of the International Republican Institute who was accompanying Rainsy, received shrapnel wounds in the leg and hip.

Rainsy immediately blamed then-Second Prime Minister Hun Sen for the attack. Hun Sen initially blamed the Khmer Rouge, but subsequently accused Rainsy of staging the attack on himself. Shortly afterwards, a Cambodian government commission was formed to investigate the incident. The injury to Abney, as well as an invitation from the Cambodian government, led to FBI involvement in the investigation.

To date, no one has been brought to justice for this crime. The actual grenade throwers remain unidentified, as do the ultimate masterminds. However, it is my opinion that sufficient evidence exists in order to yield *a very obvious conclusion: Hun Sen and his Bodyguard Forces were behind this crime.*

In this report, this assertion will be demonstrated by summarizing all of the known publicly-available information on this matter. To date, no single document has culled together all of the available information, nor has the information been widely disseminated.

The large majority of information presented in this report will come from three sources: (1) The unclassified FBI report to Congress, delivered to the Senate Foreign Relations Committee on November 24, 1998; (2) A February 19, 1999 FBI letter to Senator Jesse Helms and Congressmen Benjamin Gilman, Christopher Smith and Dana Rohrabacher; (3) A report by a Cambodian police official written in May, 1997. The texts of these three documents appear at the end of this report as appendices.

(NOTE: The Cambodian police report appears to be haphazard and unprofessionally written, in part due to poor translation into English. However, the report is almost wholly congruent with and substantiates the information from the FBI and other sources. The redactions in the Cambodian police report are to protect the names of witnesses and FBI agents.)

The remaining information in this staff report is from press accounts or interviews with various participants in this matter, including victims, Cambodian officials, human rights activists and journalists. This investigation entailed two trips to Cambodia and Thailand, in December, 1998 (Staffdel Doran) and July, 1999 (Staffdel Berkowitz/Doran).

As a caveat, it should be stated that there may or may not currently be sufficient prosecutorial evidence against Hun Sen or any of his subordinates. However, the three documents summarized and presented in this report speak for themselves. Readers should find that this evidence, viewed against the backdrop of Hun Sen's well-known history of resorting to violence against his political opponents, yields a common sense conclusion that *Hun Sen in fact bears ultimate responsibility for this act of terrorism.*

Prior to presenting the evidence in this case, a bit of background is necessary.

II. BACKGROUND

Cambodian Political Situation

At the time of the March 30, 1997 rally, Cambodia was ruled by a coalition government, with power nominally shared by the (formerly Communist) Cambodian People's Party (CPP), the royalist FUNCINPEC party and the Son Sann Party. The CPP is led by then-Second Prime Minister Hun Sen, while FUNCINPEC is led by then-First Prime Minister Norodom Ranariddh.

The titles were deceiving, however, as Hun Sen and the CPP were clearly the dominant force in the government. The CPP is a derivative of the Kampuchean Revolutionary Party (KRP) that was installed in power in 1979 by invading Vietnamese forces. Vietnam, the KRP/CPP and Hun Sen ruled Cambodia with an iron fist throughout the 1980s, while royalist, democratic and Khmer Rouge forces waged a guerilla war against the government.

In 1989, Vietnamese forces evacuated Cambodia, leaving Hun Sen and the CPP in charge. In 1991, the Hun Sen government and the opposition signed the Paris Peace Accords, which paved the way for U.N.-supervised elections in 1993. Prince Ranariddh, FUNCINPEC and its allies emerged victorious from those elections, garnering 62% of the vote. Although his party received only 38% of the vote, Hun Sen refused to yield power and threatened to use his control of the military to start a civil war. With the United Nations blinking, Ranariddh was forced to allow the CPP into a coalition.

The coalition was a paper one at best. Hun Sen and the CPP continued to control, as they had since 1979, the real source of power in Cambodia: guns. Under the coalition, the CPP retained true control of the ministries of defense and interior. Hun Sen has also maintained a personal bodyguard force of as many as 2,500 men. These bodyguards have long been noted for their thuggishness, violence and unaccountability. They will also appear later in this report.

The first finance minister in the coalition was Sam Rainsy, then a member of FUNCINPEC. Rainsy's aggressive moves to root out corruption in the Cambodian government strained his relations with both Hun Sen and Ranariddh, resulting in his dismissal in October 1994. Shortly thereafter, Rainsy formed the Khmer Nation Party and quickly became the most ardent oppositionist in Cambodia. To this day he remains uncompromising in his opposition to Hun Sen's rule. The rally Rainsy organized for March 30, 1997 was

in protest of the corruption and politicization of the judiciary in Cambodia.

On July 4, 1997, Hun Sen ended all pretense of a coalition government by launching a coup in which Ranariddh and FUNCINPEC were ejected from the government by force. Ranariddh and his top lieutenants fled the country and over 100 FUNCINPEC members and supporters were killed by Hun Sen's forces in the aftermath. In early 1998, a Japanese plan was adopted that allowed for the return of Ranariddh and Rainsy to Cambodia to participate in new elections, which took place on July 26. After nearly four months of wrangling over the election results, a new government was formed on November 13, 1998 in which Hun Sen emerged as sole prime minister. Ranariddh became speaker of the parliament, a few lesser cabinet posts were given to members of FUNCINPEC and Rainsy assumed an opposition role in the parliament.

U.S. Congressional Developments

In October, 1997, the president signed Public Law 105–118, the Foreign Operations Appropriations Act for Fiscal Year 1998. One provision of that act was a requirement for the president to report to Congress on the status of the FBI investigation of the Cambodian grenade attack. Although the report was due within thirty days of enactment, it was not delivered to the respective Committees on Appropriations until April 27, 1998, in classified form.

In late August, an additional copy of the classified report was delivered to the Senate Foreign Relations Committee. On September 1, 1998, Senator Jesse Helms, Chairman of the committee, wrote to the president requesting declassification of the entire report. The declassified report, which is merely a much abridged and slightly updated version of the original, was hand delivered by the FBI to the committee on November 24, 1998.

Viewing the declassified report as inadequate, Senator Helms, Congressmen Benjamin Gilman, Christopher Smith and Dana Rohrabacher wrote a letter asking twenty questions to FBI Director Louis Freeh on January 25, 1999. The return letter from the FBI was delivered on February 19, 1999.

III. THE FACTS IN THE CASE

The following facts in this case are not in dispute, though they are only grudgingly admitted by FBI officials and have not been disseminated widely in the United States or even on Capitol Hill.

1. Responsibility for security at the rally rested with the Phnom Penh Municipal Police Force (PPMPF). At that time PPMPF was headed by Mok Chito, a nephew of Hun Sen.¹

2. There was an unusually light police presence at the rally just before it began. Among the officers present was Mok Chito, who was videotaped at the scene.²

3. After what appeared to be a prearranged signal, police officers retreated from the scene and four squads of Hun Sen's "Bodyguard Force" (2nd Battalion, 17th Regiment, or "Unit #2") deployed in a

¹FBI report, page 6.

²FBI report, page 3; FBI letter to Helms et al, answer to question 2.

linear position along the western boundary of the park where the rally was being held.³

4. Military units such as the Bodyguard Force typically had not been deployed at civilian political rallies in Cambodia and had not been deployed at any of the previous fourteen Khmer Nation Party rallies.⁴

5. After the attackers threw their grenades, at least two of them escaped on foot, *through the line of the Bodyguard Forces and toward a nearby CPP compound*⁵

6. CPP officials and the leaders of the Bodyguard Force were uncooperative in the investigation. For instance:

- Investigation Commission Commander Teng Savon, a CPP member, refused to make Mok Chito, the police chief and Hun Sen's nephew, available for interview by the FBI;⁶
- Bodyguard Force Commanding General Huy Pised denied seeing anything that morning and is described by the FBI as only having been "moderately cooperative" in the investigation;⁷
- Major Chhin Savon, on-scene commander of the Bodyguard Forces at the rally, also denied seeing anything and is described by the FBI as having been "uncooperative" in the investigation;⁸
- CPP Interior Minister Sar Kheng refused an FBI request to interview a suspect called "Brazil."⁹

7. Bodyguard Force Unit #2 can only be ordered to deploy by Huy Pised or *Hun Sen himself*.¹⁰ (Pised stated on several occasions that he received an order to deploy; on one occasion he stated that the order came from Hun Sen's "cabinet.")¹¹

Simply based on these undisputed facts, it is already difficult to conclude other than that Hun Sen ordered this attack. But there is still more information to bolster the case.

A Confession

In early June, 1998, two men, Chhay Vee and Chom Bun Theun, came forward and confessed to participating in the attack. They first made a videotaped confession to representatives of the Sam Rainsy Party, stating that Him Bun Heang, an assistant to Bodyguard Force Commander Pised, had offered them money to participate in an attack on Rainsy. The two men claimed that they were coming forward at that point because they feared Hun Sen's Bodyguards would kill them for failing in their mission.

In February, 1999, this videotape was viewed on Capitol Hill in the presence of two Cambodian-Americans who provided translation. When the translators were asked to judge the veracity of the two suspects, each independently replied that both Chhay Vee and

³ FBI report, page 6.

⁴ FBI report, page 3.

⁵ FBI report, page 2; multiple eyewitness accounts in Cambodian police report; Phnom Penh Post, April 4-17, 1997.

⁶ FBI letter to Helms, answer to question 2.

⁷ FBI report, page 7; FBI letter to Helms, answer to question 4.

⁸ *ibid.*

⁹ FBI report, page 10.

¹⁰ FBI letter to Helms, answer to question 4.

¹¹ Cambodian police report, page 11.

Chom Bun Theun appeared credible and seemed genuinely to fear for their lives. Chhay Vee and Chom Bun Theun next confessed to the United Nations Human Rights Commission in Phnom Penh and on June 4, 1997 were brought by Rainsy to the FBI in Bangkok, where they made a similar confession.

A Suspect Called "Brazil"

According to the FBI report, a major suspect in the case was an unidentified man codenamed "Brazil." For a brief period of time in June, 1997, Brazil was in the custody of FUNCINPEC General Nhiek Bun Chhay. During that time, General Bun Chhay conducted a videotaped interview of Brazil and provided a copy of the tape and related documents to the U.S. Embassy in Phnom Penh. The FBI confirms that it received a copy of a videotape and a purported statement by Brazil. Brazil escaped from custody in early July, 1997, possibly in the chaos of Hun Sen's coup and his current whereabouts are unknown, according to the FBI.

When Staffdel Doran interviewed General Nhiek Bun Chhay in Bangkok in December 1998, he reported that Brazil's story was essentially the same as that of Chhay Vee and Chom Bun Theun: Hun Sen's Bodyguard Forces hired him to participate in the attack on Rainsy. Brazil also told General Bun Chhay that he worked with Chhay Vee and Chom Bon Theun in planning the attack, which Brazil said was his third attempt to kill Rainsy.

More Substantiation: The May, 1997 Cambodian Police Report

According to the May, 1997 Cambodian police report, *the FBI agent-in-charge was quoted during a meeting as saying: "Those men who threw the grenades are not ordinary people. They are Hun Sen's soldiers."*¹² The agent based this assertion on several pieces of evidence, including that reliable witnesses reported that the first thrower looked at the Bodyguard soldiers before he tossed his grenade, the bodyguards were deployed in linear fashion to defend the CPP compound, and the guards at the gate of the compound opened the gate to allow the perpetrators to enter.

The FBI denies that one of its agents ever made this statement. However, the Cambodian police report is consistent with a June 29, 1997 *Washington Post* story, which reported that the preliminary, classified FBI report also fingered Hun Sen's Bodyguard Forces, citing four U.S. government officials familiar with its contents.

The Cambodian police report is replete with eyewitness accounts of how the perpetrators ran toward the CPP compound, aided and abetted by Hun Sen's Bodyguard Forces, who not only allowed the attackers through their line, but also prevented Rainsy supporters from pursuing the attackers.

The report further elaborates on the lack of cooperation in the investigation by Hun Sen's lieutenants. For instance, one passage notes that much time was wasted at an April 26 meeting because Teng Savon (the CPP Investigative Head) persisted in attacking Rainsy.¹³ Another account recalls how on May 8 Huy Pised ordered Chhin Savon (the on-scene Bodyguard Commander) to stop talking

¹² Cambodian police report, page 2.

¹³ Cambodian police report, page 3.

to the FBI as Chhin Savon began to provide details of how his men were deployed.¹⁴ On another occasion, Him Bun Heang, the assistant to Huy Pised, interrupted and tried to silence Pised during an interview with the FBI just as Pised was about to say exactly who ordered him to deploy his men the morning of March 30.¹⁵

The report also contains an accounting of how two of the perpetrators may have been escorted away from the crime scene by associates of Hun Sen. According to the report, at approximately 2 p.m. the day of the attack, a helicopter landed near Chea Sim park in Phnom Penh. The park is very close to where the grenade attack took place. Awaiting the helicopter were several Toyota Landcruisers, in one of which Him Bun Heang was seen with two men who looked like suspects. This is the same Him Bun Heang who tried to silence Huy Pised in an FBI interview and whom Chhay Vee and Chom Bun Theun confessed had recruited them for the attack. After the chopper landed, the two suspects boarded the helicopter with Kun Kim, the Vice Governor of Kandal province and a close associate of Hun Sen.

The helicopter incident is not addressed in the FBI report, and in response to a congressional query on the matter, the FBI stated that Teng Savon had informed them that the reports were untrue. One is left to believe that the FBI accepts Teng Savon's assurances. While further corroboration of the helicopter incident has not been uncovered, a simple denial from Teng Savon is hardly the last word on the matter, given the aforementioned instances of his lack of cooperation in the investigation.

The information above provides compelling evidence of the Bodyguard Force's and Hun Sen's involvement in the grenade attack on Sam Rainsy. Absent a credible alternative theory, the evidence of Hun Sen's complicity is overwhelming.

Alternative Theories

Only a few alternative theories have been adduced in this case. All are unsupported by evidence. The first alternative theory, put forth in the immediate aftermath of the attack by Hun Sen, is that Sam Rainsy staged this attack on himself. Other than Hun Sen saying so and an indiscrete sentence in the FBI report, there is not a single shred of evidence to support this charge. In fact, the FBI was given a chance to provide evidence of this theory but pointedly declined to do so.

In their letter to Director Freeh, Senator Helms and Congressmen Gilman, Smith and Rohrabacher asked the following question:

“On page nine, the report states that Rainsy became agitated when the FBI informed him that ‘there were genuine questions about the allegations and motives of the grenade throwers.’ What were those questions? Was this an insinuation that Rainsy was somehow involved in the attack? Why is there no elaboration on this in the report?”

The FBI's response was as follows:

¹⁴ *ibid.*, page 11.

¹⁵ *ibid.*, page 8.

“Those are not the words of the CA (Case Agent) and do not appear in the report.”¹⁶

When the Senate Foreign Relations Committee received this reply from the FBI, the report was double-checked to see if it had been misread. It was not. The quotation in the question appears on page nine, paragraph four, lines four and five of the FBI report (Appendix 1). Since the FBI declined to answer this question forthrightly, one must conclude that they are not in possession of any evidence that Rainsy was involved in the attack.

Sam Rainsy’s personal bodyguard died in this massacre. His good friend Ron Abney was seriously wounded. It is simply not credible to claim that this man, who by all accounts except Hun Sen’s is not violent, committed this crime.

Another theory is that the attack was an inside job, perpetrated by someone in Rainsy’s party. This theory was put forth by former U.S. Ambassador to Cambodia, Ken Quinn, in a meeting with Staffdel Berkowitz/Doran on July 5, 1999. With considerable enthusiasm, Ambassador Quinn mentioned that the French government was interested in a Sam Rainsy Party member named In Thaddee, a dual French-Cambodian citizen. Ambassador Quinn further commented that In Thaddee had Khmer Rouge family connections and had a history of being around violence.

Staffdel Berkowitz/Doran met with In Thaddee on July 6, 1999. He struck the delegation as highly educated and articulate. When asked point blank about “rumors” that he was a possible suspect in the case, Thaddee was very open and direct. He informed the delegation that these were not new rumors; he was in fact mentioned as a suspect in the *Phnom Penh Post* just after the attack and was subsequently questioned by the French government.

Thaddee seemed amused that this story was still around, stating that he had not heard it in two years and had not been questioned by the French or Cambodian governments since just after the attack. Thaddee was also very open about his Khmer Rouge family connections. His uncle was a Khmer Rouge officer, but this has not prevented Thaddee from voicing support for a tribunal to bring the Khmer Rouge to justice.

For his part, Sam Rainsy regards the In Thaddee theory as ridiculous. Since neither the FBI nor any other source has even mentioned this theory in the course of this investigation, it is evident that this theory holds no water whatsoever.

Other theories are that the Khmer Rouge were responsible (certain members of the CPP have put forth this view) and that someone staged the attack to make it look like Hun Sen and/or the CPP did it (this was also voiced by Ambassador Quinn on July 5). Neither of these theories seems plausible. The Khmer Rouge were waning in numbers and power by March, 1997 and have never been noted for urban terrorism. Staging an attack in order to frame someone else requires resources that simply are not available to people not in power in Cambodia, and the power in Cambodia has been held by Hun Sen and the CPP for twenty years. In any case, no evidence has been adduced to substantiate either one of these theories.

¹⁶FBI letter to Helms, question and answer 5.

IV. THE ROLE OF THE U.S. GOVERNMENT

As stated in the introduction, neither the State Department nor the FBI have been very forthcoming with Congress, Sam Rainsy or the public on this matter.

The FBI's Investigation: Shoddy, or Just Half-Hearted?

Two and one-half years after this attack, the FBI still has not identified a suspect in this case. While this may not be unusual, the FBI also refuses, both in its report and in briefings to Congress, to analyze any of its findings or suggest where the findings might be leading. In a briefing to Senate Foreign Relations Committee staff in February 1999, FBI officials declined to guess as to who might have been behind the attack and seemed to suggest that there was equal validity to competing theories of the crime.

As demonstrated above, this is an intellectually untenable position (unless the FBI has withheld from Congress evidence that substantiates any alternative theories). Also as has been demonstrated, the FBI was in possession of sufficient evidence by the end of May, 1997 to reasonably, if not legally, conclude Hun Sen's guilt. The FBI has also had over a year in which to judge the veracity of Chhay Vee's and Chom Bun Theun's June, 1998 confession, but has not done so. It is difficult to believe the FBI does not by this time have a reasonable guess as to who committed this attack.

Still, the main concern with the FBI's role in this case rests not with its inability or unwillingness to name or arrest a suspect. The FBI does deal in the legal realm, and may not possess enough evidence to prosecute Hun Sen or anyone else. The foremost concern, rather, is over the seemingly sloppy and indifferent approach the FBI has taken toward this entire investigation, at least since June, 1997.

The Chhay Vee/Chom Bun Theun Fiasco

The most egregious example of this is the FBI's handling of the Chhay Vee/Chom Bun Theun confession. As noted above, the FBI interviewed these men in Bangkok on June 4, 1998, during which they confessed to participating in the grenade attack under the employ of Him Bun Heang, one of Hun Sen's Bodyguards. This confession is described on page 12 of the FBI report.

However, in the next paragraph, the FBI recounts how in a November 13, 1998 re-interview, Chhay Vee and Chom Bun Theun had changed their story and denied any involvement in the attack. Furthermore, the two men charged that they only confessed in June because a Sam Rainsy Party official paid them \$15,000 each. Without further elaboration or substantiation, the FBI report ends with this paragraph, leaving the reader with the impression that the FBI accepts Chhay Vee's and Chom Bun Theun's recantation rather than their original confession.

Incredibly, the FBI omitted from the report the fact that *Chhay Vee and Chom Bun Theun were taken into custody by Hun Sen's police in August, 1998*. Obviously, Hun Sen's police had gotten a chance to work these two men over. When questioned on this matter (questions 12 and 13 of the Helms letter), the FBI made still

more unbelievable revelations. *It turns out that the FBI's November 13 re-interview, in which the suspects recanted and blamed Rainsy, took place in the private home of Om Yenteng, an advisor to Hun Sen.*

Moreover, the FBI admits in the letter that it was aware of reports that Chhay Vee and Chom Bun Theun had been in police custody, but deemed that fact *irrelevant!* When queried further on this matter by Senate Foreign Relations Committee staff in February, 1999, the FBI would not acknowledge that their approach to this aspect of the case was flawed, clinging to a "all theories are equally valid" defense.

It is absolutely astonishing that the FBI would ignore the fact that the suspects had been in the custody of Hun Sen's police, allow the interview to take place in the presence of an advisor to Hun Sen, and omit this critical information from the report. While the June, 1998 confession by these men may not be conclusive, it is more believable than the November, 1998 recantation, which is undeniably tainted.

It is difficult to believe that the Federal Bureau of Investigation, the world's premier law enforcement agency, is incompetent. Could the FBI really believe that Chhay Vee's and Chom Bun Theun's arrest by Hun Sen's henchmen was irrelevant? Could the FBI not know who Om Yenteng was? According to a journalist with long experience in Cambodia, Om Yenteng is well-known as one of Hun Sen's chief thugs.

Staffdel Berkowitz/Doran met with Om Yenteng on July 5, 1999 to discuss the grenade attack, where he made several implausible statements to the delegation. Om informed the delegation that he is conducting his own investigation into the attack and would soon issue a report. When the delegation inquired as to how his investigation was proceeding, Om replied that in order to get more concrete results, he needed more cooperation from Sam Rainsy. To anyone familiar with this case, this is not a credible statement, as no one has pushed harder for continued investigation into this matter than Sam Rainsy.

Om also stated that the suspect Brazil was alive and his whereabouts were known to the government of Cambodia. As mentioned previously, the FBI has no information on the whereabouts of Brazil and every other person queried about Brazil believes he is dead. When Om was pressed for Brazil's whereabouts or whether he was in custody or under surveillance, Om became evasive. When asked if he planned to interview Brazil before he issued his report on the grenade attack, Om replied negatively, stating that Brazil was a "secondary" matter. Of course, Brazil, if alive, is the key to the whole investigation.

All of this strains credulity and the FBI's collusion with a man so lacking in credibility as Om Yenteng seriously calls into question the Bureau's commitment to get to the bottom of this matter.

On-again, Off-again, and Mostly Off

There are other examples of FBI shortcomings in this investigation. For instance, until the November, 1998 report was issued, Congress had been led to believe that the investigation was ongoing. The last sentence in the report, however, says "All investiga-

tive leads are complete. The FBI has presented its investigative findings to the Department of Justice for a prosecutive opinion.” (Recall that in the February, 1999 briefing, FBI officials asserted that they could not hazard a guess as to the identity of the culprits.)

Then, on January 25, 1999, just after the Helms letter was faxed to the FBI, the Senate Foreign Relations Committee was informed by phone that the investigation was indeed still ongoing, and that agents would be going back to Cambodia to conduct some polygraphs. As of this writing, the committee has not been informed by the FBI as to whether those polygraphs have been conducted, despite repeated inquiries and a written commitment by the FBI to keep the committee informed of any new developments. Ambassador Quinn did inform Staffdel Berkowitz/Doran on July 5, however, that the FBI was in Cambodia in May, 1999 to conduct more interviews, re-interviews and polygraphs.

It seems as though this investigation is on-again, off-again, depending on who and when one asks. In truth, however, very little has been done on this investigation since the summer of 1997. One possible reason for this is that Ambassador Quinn informed the FBI agents that they had been targeted for attack and could not be protected, thus prompting their departure from Cambodia in June, 1997.

But this argument only goes so far. For starters, with so many Cambodians in exile in Thailand during late 1997 and 1998, many people, including General Nhiek Bun Chhay, could have been interviewed there. Also, the situation in Cambodia pacified in early 1998. Yet only one FBI interview was conducted in Cambodia (in Hun Sen’s camp) over the two-year period from June 1997-May 1999. Lastly, many interviewees flatly reject the notion that the FBI agents’ lives were in danger. One interviewee, an American who lived in Cambodia for many years, stated that he and his group had been “threatened” many times by the Khmer Rouge, but it was well understood that most of these threats were just bluster.

A question beyond the scope of this inquiry remains: Why was the FBI investigation essentially stopped in its tracks in the summer of 1997?

The State Department: Denial as Policy

For the most part, State Department officials in Washington and Phnom Penh plead ignorance of the investigation into the attack and refer questions to the FBI. For example, in answer to a question about the attack at a February 24, 1999 hearing before the Senate Foreign Relations Committee, Secretary Albright replied that all such questions should be directed to the FBI. When asked by Staffdel Doran in December, 1998 to hazard a guess as to who was behind the attack, the Deputy Chief of Mission at Embassy Phnom Penh could not answer, stating that in Cambodia, a lot of grenades go off. The DCM also stated that the State Department had very little role in the investigation.

Yes, grenades do go off in Cambodia, but the State Department did not have a little role in this investigation. According to the FBI report, Ambassador Quinn was aware of *all 56 interviews* conducted by the FBI while they were in Cambodia and participated

in many of the meetings. The June, 1998 confession by Chhay Vee and Chom Bun Theun took place in the U.S. embassy in Bangkok. The November re-interview was conducted by our Bangkok-based Legal Attache and the security officer from our embassy in Phnom Penh. The Cambodia desk in Washington was also aware of the contents of the original classified FBI report.

Again, the bulk of the FBI's findings were known by June, 1997. The undisputed facts listed in section III of this report were known to the State Department by that time. Yet during the intervening two years, the State Department has continued to do business with Hun Sen. According to one source with specialized knowledge of Cambodia, one reason the State Department did not want to press the issue too far in the April-June, 1997 period was that it did not want to destabilize the fragile coalition in Cambodia at the time. Of course, it was Hun Sen who powerfully destabilized that coalition with his bloody July 4 coup.

Possessing such overwhelming evidence that Hun Sen and his Bodyguard Force were behind this attack, a legitimate course of action would have been to recall our Ambassador and downgrade relations with Phnom Penh until Hun Sen left or was removed from the scene. Instead, the State Department acceded to the Japanese plan to allow Hun Sen to stage elections in July, 1998, tried to confirm a new ambassador to Cambodia *before* the elections, and offered no support whatsoever to Ranariddh and Rainsy in the autumn of 1998 as they protested Hun Sen's faulty elections.

V. CONCLUSION

This report has attempted to present only the facts. These include undisputed facts, indisputable facts and, in a few cases, allegations that have at least some corroboration. They lead to three inescapable conclusions:

(1) Members of Hun Sen's Bodyguard Force participated in the planning and execution of the March 30, 1997 attack.

(2) Hun Sen, being only one of two people with authority over the Bodyguard Force, must have known and approved of the attack.

(3) By June, 1997, the U.S. Government was in possession of overwhelming evidence of conclusions #1 and #2 and has done nothing about it.

Today, Hun Sen once again holds unchallenged power in Cambodia. With U.S. Government acquiescence, he has succeeded in completely overturning the results of the 1993 U.N. elections, and gained international recognition of this feat to boot. Part of this acquiescence has been the total unwillingness of the U.S. Government to confront Hun Sen with its evidence of his involvement in this bloody massacre.

APPENDIX 1

UNCLASSIFIED FBI REPORT—NOVEMBER 24, 1998

REPORT ON THE FBI'S INVESTIGATION OF THE MARCH 30, 1997,
BOMBING IN PHNOM PENH, CAMBODIA

Requested in the 1998 Foreign Operations Appropriation Act
(Public Law 105-118)

At approximately 8:30 a.m. on March 30, 1997, unidentified assailants detonated four grenades during a Khmer National Party (KNP) political protest demonstration led by Sam Rainsy, the KNP party leader. (The KNP is one of three competing political parties in Cambodia, along with Hun Sen's Cambodia People's Party (CPP) and Prince Norodom Ranariddh's FUNCINPEC party.) The demonstration was held in a park opposite the National Assembly in Phnom Penh, Cambodia, and attended by many of the party's supporters. Initial investigation indicated that two unknown subjects escaped on foot after throwing two grenades from behind the KNP supporters. Conflicting reports were also received that individual(s) either on a motorcycle and/or in a white sedan had dropped two additional grenades. A unit of heavily-armed troops in full combat assault uniforms was positioned near the KNP speech platform. According to local media reports, these soldiers made no attempt to apprehend the attackers and prevented KNP supporters from doing so.

Rainsy publicly blamed Second Prime Minister Hun Sen for the attack while Hun Sen's party—the CPP—publicly blamed the Khmer Rouge. Hun Sen later blamed Rainsy for staging the attack against himself.

Cambodian Police reports indicate between 16 and 20 people attending the demonstration were killed and 150 wounded, many seriously. Sam Rainsy, the apparent target of the attack, escaped without injury. Among those killed were two 13-year-old children, a 17-year-old student, Rainsy's bodyguard, a journalist and several female garment workers. A Chinese journalist, who suffered serious abdominal wounds, was among the injured.

During the attack, Ron Abney, an American citizen and Chief of the Delegation of the International Republican Institute (IRI), sustained shrapnel wounds in the leg and was evacuated to Mt. Elizabeth Hospital in Singapore for medical treatment. He was subsequently released to the care of his personal physician in Cochran, Georgia, on April 8, 1997.

CPP public statements indicated that there was an usually light police presence, approximately 20 officers, considerably less than

present at previous KNP rallies. None of these officers were injured: None of the previous rallies had a military presence, which for the March 30, 1997, rally was confirmed to be a detachment of Hun Sen's bodyguards.

On March 31, 1997, FBIHQ apprised the Terrorism and Violent Crime Section (TVCS), Criminal Division, Department of Justice, (DOJ), of the information available surrounding the incident and the injury of Mr. Abney and an opinion was rendered that, pursuant to Title 18, U.S. Code, Section 2332, which states "it is a federal crime for a terrorist overseas to kill a U.S. national, attempt to murder a U.S. national, conspire to murder a U.S. national, or to engage in physical violence (a) with the intent to cause serious bodily injury to a U.S. national, or (b) with the result that serious bodily injury is caused to a U.S. national," the FBI had jurisdiction to initiate an investigation into this matter.

On April 1, 1997, First Deputy General Director of the National Police Chhay Bornlay requested FBI assistance, especially sketch artist assistance, on behalf of FUNCINPEC. FBIHQ discussed this Foreign Police Cooperation request with the Department of State Office for Counterterrorism and decided that any request for FBI assistance should come from the entire Royal Government of Cambodia (RGC) and not just one of the coalition partners.

On April 4, 1997, the FBI Investigative Case Agent (ICA) interviewed Ron Abney in Mt. Elizabeth Hospital regarding the grenade attack. The interview was conducted with the U.S. Embassy Regional Security Officer (RSO). Abney advised that while he did not believe he was the intended target of the attack, he would have been an ideal target of opportunity.

On April 9, 1997, the RGC formally requested the assistance of an FBI sketch artist to draw composites provided by eyewitnesses. Also on that day, FBIHQ provided the TVCS a copy of the interview with Ron Abney. Upon review of the interview, the TVCS opined that, pursuant to Title 18, U.S. Code, Section 2332a (Use of Weapons of Mass Destruction), the FBI had jurisdiction to investigate the March 30, 1997, attack.

Based on the FBI's investigative jurisdiction and invitation by the RGC, the FBI sent an agent to Cambodia in furtherance of this investigation. The agent was advised by FBIHQ to work closely with the USDS Regional Security Officer (RSO) in Cambodia. The Cambodian desk officer at the State Department and the U.S. Ambassador to Cambodia were both apprised by the FBI of the FBI's investigative responsibility in this matter.

The ICA initially traveled to Cambodia on April 17, 1997, to meet with the U.S. Ambassador and Embassy officials. The Embassy officials informed the FBI of the Cambodian officials' willingness to assist the FBI in its investigation.

On April 24, 1997, the FBI Legal Attache (Legat) in Bangkok, an FBI Sketch Artist and the ICA were briefed by Ambassador Kenneth M. Quinn. Also, approval was obtained for a second FBI agent to travel to Cambodia to assist in the investigation. The second FBI agent arrived in Cambodia on April 29, 1997.

On April 26, 1997, FBI representatives met with Ambassador Quinn; the RSO; Co-Deputy Prime Minister/Co-Minister of the Interior Sar Kheng (Kheng serves in both capacities for the Cam-

bodian People's Party or CPP); Co-Minister of the Interior You Hockry (FUNCINPEC); (General Chhay Bornlay (FUNCINPEC), advisor to You Hockry, and Deputy Director General of the National Police Teng Savon. Translation was provided by General Keo Sopheak, advisor to Sar Kheng. This meeting was primarily an introduction of personnel and an expression of gratitude regarding the FBI's prompt response to the Cambodian's request for investigative assistance. The FBI requested that publicity regarding the FBI be kept to a minimum and informed those present at the meeting that the FBI's instructions were to investigate the injury of a U.S. citizen during a terrorist attack. During this meeting the FBI was advised that General Teng Savon would command the investigation and the primary FBI contacts would be Keo Sopheak representing the CPP and Chhay Bornlay representing FUNCINPEC.

The FBI proceeded with its investigation in Phnom Penh, in concert with the Cambodian Commission consisting of representatives from both the CPP and FUNCINPEC. During this investigation, every effort was made by the FBI to conduct a criminal investigation in accordance with the FBI's extra-territorial responsibilities and avoid involvement in Cambodia's internal politics. After a week of joint Commission investigative inactivity, numerous leads and eyewitnesses were developed by the FBI ICA. With the concurrence of the U.S. Ambassador and Police Major General Savon, the ICA conducted extensive debriefings of eyewitnesses who offered information to the FBI but refused to cooperate with the Cambodian Police or the Investigation Commission.

In addition to eyewitness testimony, photographic evidence was obtained from an additional witness. After reviewing the photographs related to the incident, and presenting a photo-spread to witnesses, it was determined that one of the photos contained a subject who appears to be one of the grenade throwers. Efforts were made to fully identify this individual.

After the first week of the investigation, the FBI team briefed the Ambassador of what they felt was insufficient cooperation by the police, including the inability to question members of the military unit guarding the compound of the Second Prime Minister. The Ambassador offered to assist and it was jointly agreed that they would meet with Interior Minister Sar Kheng in an effort to enhance cooperation. On May 2, 1997, the ICA and Ambassador Quinn met with Co-Deputy Prime Minister (CPP) Sar Kheng.

Based on information obtained from witnesses, including Sam Rainsy, it was learned that a long-standing feud exists between former FUNCINPEC Secretary of the Treasury and KNP President, Sam Rainsy, and CPP Second Prime Minister, Hun Sen. Sam Rainsy claimed to have been surveilled on several occasions prior to the March 30, 1997, grenade attack. On March 26, 1997, the KNP requested a legal permit, issued by the Ministry of the Interior, to demonstrate. The KNP obtained permission to demonstrate on March 29, 1997. Security was the responsibility of the Phnom Penh Municipal Police Force (PPMPF) and its Commander, Mok Chito, Hun Sen's nephew.

The PPMPF was not represented on the Investigation Commission and its Commander was not made available for interview.

According to Sam Rainsy and retired Secretary of State Kong Korm, 14 previous KNP demonstrations suffered only mild police harassment. Although a small number of police were initially present prior to the rally, police presence was unobserved as the rally began on March 30, 1997. After what appeared to be a pre-arranged signal ordering a retreat of police officers, four squads of Hun Sen's "Bodyguard Force" (2nd Battalion, 17th Regiment) were deployed, in a linear position, along Street 7 on the park's West boundary. A military unit has never been deployed at a civilian political rally in the past according to Sam Rainsy.

On May 9, 1997, the ICA and six police officials interviewed Brigadier General Huy Pised, Major Chhin Savon and another soldier at the Ministry of Interior Police General Staff Headquarters. General Pised is the commanding general of Bodyguard Unit #2 of the 17th Division assigned to protect Second Prime Minister Hun Sen. Major Chhin Savon was the on-scene commander of 15 soldiers from Bodyguard Unit #2 at the March 30, 1997, rally. During the interview, General Pised and Major Savon denied that anyone escaped through the perimeter. Furthermore, they state "We saw nothing."

On May 11, 1997, the ICA and Legat Bangkok interviewed Sam Rainsy in Bangkok, Thailand. After FBI representatives informed Rainsy that public disclosure of this meeting would jeopardize the FBI's investigation, Rainsy consented not to reveal the convocation of the interview. In his account of the events on March 30, 1997, Rainsy noted the unusual presence of military forces and a lack of regular police forces. This arrangement was counter to the RGC deployment during his 14 previous demonstrations in Phnom Penh. On May 14, 1997, the FBI reinterviewed Rainsy in Cambodia in conjunction with the RGC investigators. No additional investigative information was gathered as a result of this interview.

On the evening of May 14, 1997, the FBI representatives briefed Ambassador Quinn on the status and findings of the investigation. Investigation to date failed to develop evidence that the United States was the primary target of the March 30, 1997, attack. The FBI suggested the following recommendations be provided to the RGC investigative commission:

1. That the FBI's sketch artist and one FBI agent return to the United States.
2. That the local media be advised that the U.S. inquiry regarding Abney is completed but that it is classified "Secret" and only releasable by the U.S. Department of Justice, in conjunction with the U.S. Department of State.
3. That an FBI agent remain in Cambodia to assist the RGC investigation in an overt advisory capacity to the Commanding General of the Police investigative commission.
4. That the FBI provide the Commanding General written investigative leads which need to be completed to resolve the investigation.
5. That the investigative commission regularly submit their investigative reports to the FBI representative.
6. That the Co-Deputy Prime Ministers submit a formal letter requesting the above-outlined FBI investigative assistance.

7. That no statements be made to the Cambodian media regarding the FBI representative.

8. That if the Cambodian Police fail to initiate or accomplish the FBI's recommended investigatory steps within "a reasonable period of time," then the police should provide a statement as to cause.

9. That the status of the investigation be re-addressed with the investigative commission within 14 working days. If no significant progress was made by that time, then the presence of the FBI representative would be terminated after 30 working days.

10. That the commission immediately use the composite sketches provided by the FBI by publishing them and presenting them to all potential subjects and witnesses.

Ambassador Quinn approved the 10 recommendations. In addition, Co-Minister of the Interior Sar Kheng and Sam Rainsy both concurred with the FBI's role as outlined in the third recommendation.

On May 16, 1997, in accordance with the first recommendation, the FBI's sketch artist and one FBI agent returned to the United States.

On May 17, 1997, Sar Kheng met with Ambassador Quinn and conveyed the sentiment that the composite sketches should be held back from publication because the investigation into the identity of the persons depicted was on-going.

On May 22, 1997, Rainsy asked the ICA for a copy of the investigative report. Rainsy was informed that the ICA could not accede to Rainsy's request. Rainsy expressed unhappiness and some anger at the fact that he would not be given a copy of any FBI reports on this investigation. Rainsy became even more agitated when the ICA informed Rainsy that there were genuine questions about the allegations and motives of the grenade-throwers. Rainsy then suggested that the FBI agent should be careful because he might become a target for violence. Rainsy also predicted that another violent incident would occur in the near future.

On May 27, 1997, Sam Rainsy conducted a press conference in which he linked the FBI's investigation to a "Preliminary Report" which Rainsy claimed pointed to Second Prime Minister Hun Sen as the culprit of the March 30, 1997, attack. Rainsy also claimed to have a RGC "confidential report," given to him by First Prime Minister Norodom Ranariddh, substantiating Rainsy's claim of Hun Sen's culpability.

During the FBI's presence in Cambodia, 56 interviews were conducted by the FBI. Twenty-nine interviews were with the joint FBI-Cambodian coalition, six interviews with only the FUNCINPEC police present, and 21 interviews were conducted privately with U.S. Embassy personnel present. All interviews were conducted with the Ambassador's knowledge. Some of the witnesses interviewed spoke English. For those interviews which required a translator, translations were provided by either FUNCINPEC General Bornlay, CPP General Keo Sopheak, or one of two U.S. Embassy personnel. Seven of the private interviews of witnesses were translated by Rainsy. The two Embassy translators provided translations for 24 of the interviews that were conducted with the Cambodian officials. The FBI's sketch artist produced nine sketches depicting three suspects. Six of the sketches were rendered during

private interviews and three sketches while in the company of the investigative commission. Three of the sketches (one of each suspect), were provided to the Cambodians. On May 29, 1997, and again on May 30, 1997, the sketches were published in the Cambodian media.

On June 19, 1997, Legat Bangkok met with Ambassador Quinn, Co-Ministers of the Interior Sar Kheng and You Hockry and Ok Serei Sopheak, advisor and Director of Cabinet to Sar Kheng. Legat Bangkok advised that the FBI was interested in obtaining any reports or results of the investigation generated by the investigative commission and any information about a suspected grenade-thrower identified as "Brazil." Cambodian press reports identified "Brazil" as a participant in the March 30, 1997, attack who was apprehended by Royal Cambodian Armed Forces (RCAF). Deputy Chief of Staff Lt. General Nhek Bun Chhay (FUNCINPEC) on June 1, 1997, and held in General Bun Chhay's custody. "Brazil" is believed to be identical to FBI subject #2. Sar Kheng and You Hockry denied having any specific information on "Brazil." In follow-up meetings on June 23 and June 24, 1997, Sar Kheng would not approve a request for a joint FBI-RGC interview of "Brazil."

On June 20, 1997, Legat Bangkok met with Sar Kheng, You Hockry and the investigative commission. Legat Bangkok received two investigative reports on the March 30, 1997, attack in Khmer, prepared by the commission. Legat Bangkok forwarded these reports to FBIHQ for translation. Both Ministers stressed that all information generated from the investigation should be kept from the Cambodian press. Minister Hockry noted that the commission had received some information by telephone about the March 30, 1997, attack since the publication of the composite sketches. Minister Hockry advised that he would write a report based upon his notes from the phone calls to the commission and to himself and provide the report to the FBI. Hockry mentioned that "Brazil" had not been arrested by General Bun Chhay and that, contrary to press reports, "Brazil" had made no admissions of involvement in the March 30, 1997, attack.

Between July 4 and July 6, a coup led by CPP Prime Minister Hun Sen's military forces overthrew the reigning government in Cambodia. Fighting continued for the following weeks as Hun Sen's forces fought FUNCINPEC's forces. Several U.S. citizens were held-up in hotels and residences throughout Phnom Penh, although no Americans appear to have been the intended target of any violence.

Unconfirmed reports from Cambodia indicate that "Brazil" escaped during the early July 1997 coup. His present whereabouts are unknown to FBI.

On July 14, 1997, the ICA received from Legat Bangkok a 4x6 photograph obtained from Phnom Penh RSO that was purported to be "Brazil." The ICA's review of the photo and comparison with a previously obtained photo on FBI subject #2, whom six witnesses identified as one of the grenade-throwers, revealed that the individuals in the two photos demonstrated no similarities of physical resemblance.

On June 4, 1998, Legat Bangkok met in the U.S. Embassy Bangkok with Saumara Rainsy (wife of Sam Rainsy) and two witnesses

who claimed to have information on the March 30, 1997 attack—Chhay Vee and Chom Bon Theun (aka Chum Bun Thoeun). According to Chom Bon Theun, CPP party leader Heng Bon Hiang approached Chom Bon Theun in mid-March 1997 and asked Chom Bon Theun to assist in a plot to launch a grenade attack on the March 30 rally/demonstration. Chom Bon Theun advised Legat Bangkok that he (Theun) helped Hiang recruit the suspect “Brazil” and personally recruited Chhay Vee. Chom Bon Theun also noted that six or seven months after the March 30 attack, he saw Brazil’s corpse near a military base in Tang Kasang.

During the June 4, 1998 interviews, Saumara claimed that Chhay Vee had admitted to throwing one of the grenades at the rally. Chhay Vee admitted to being recruited by Chom Bon Theun to throw grenades at the March 30 demonstration in return for payment. Chhay Vee also stated in the interview that Chom Bon Theun knew Sam Rainsy personally. Both Chhay Vee and Chom Bon Theun informed Legat Bangkok that they voluntarily decided to confess their involvement to Sam Rainsy, possibly in return for money.

On November 13, 1998, Legat Bangkok and RSO Phil Whitney, with the assistance of Khmer language translator Yarong Van, re-interviewed Chhay Vee and Chom Bon Theun. Both subjects advised that their previous statements were false and that neither had anything to do with the March 30 attack. Chom Bon Theun stated that Sam Rainsy Party official Eng Chhay Eang provided him and Chhay Vee with the story of their guilt. Eang wrote a script for Chom Bon Theun to memorize which was roughly the same story Theun provided to Legat Bangkok on June 4. Chom Bon Theun advised that Eang offered to him and Chhay Vee \$15,000 each in return for telling the false story about their participation in the attack to the UNCHR, FBI and others.

All investigative leads are complete. The FBI has presented its investigative findings to the Department of Justice for a prosecutive opinion.

APPENDIX 2

FBI LETTER TO SENATOR JESSE HELMS

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, February 19, 1999.

The Honorable JESSE HELMS
*Chairman, Committee on Foreign Relations,
U. S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN:

The following are responses to your questions regarding the FBI's investigation in Cambodia which you raised in your letter of January 25, 1999, to Director Freeh. Unfortunately, due to the pending nature of this ongoing investigation, the FBI is unable to provide complete and thorough responses to your questions. It is our hope that at the conclusion of this investigative matter, either through written responses or a briefing, whichever you prefer, we will be able to more fully address the issues and concerns of the Committee.

1) Please provide a list of the 56 witnesses interviewed in the course of the investigation, as well as copies of each interview report.

As you are aware, witnesses often cooperate with the FBI with the understanding that their cooperation remains confidential, often due to possible threats to their safety. Witness statements also are potentially evidentiary or testimonial in nature. As this case is still a pending matter and possibly subject to future litigation, the forwarding of interview reports (FD 302s) is not appropriate at this time.

2) Why was the Commander of the Phnom Penh Municipal Police Force not made available for an interview during the course of the investigation? Did the U.S. protest this?

On April 4, 1997, and April 29, 1997, the case agent (CA) reviewed Reuters Television coverage and other videos related to the crime scene. These videos depicted a senior police officer, on scene, almost immediately after the explosions. This officer was later identified by Investigative Commission members as Colonel Mok Chito, Commander of the Phnom Penh Municipal Police Force, and the nephew of 2nd Prime Minister Hun Sen.

On April 30, 1997, CA inquired of General Teng Savon, the Investigative Commission Commander, as to why Mok Chito was not on

the Commission and that the CA wished to interview him. General Teng Savon stated that, "He decides who is on the Investigative Commission" and that Mok Chito was not available. On May 2, 1997, CA advised U.S. Ambassador Kenneth Quinn of this lack of cooperation, among others. Both met with Co-Deputy Prime Minister (CPP) Sar Kheng regarding this issue.

3) On Page Six, there is reference to Hun Sen's "Bodyguard Force" (2nd Battalion, 17th Regiment). However, on Page Seven, a Bodyguard Unit #2, 17th Division is referenced. Are these one and the same?

Both units are the same. The Traditional Army Regimental reference is 2nd Battalion, 17th Regiment. When the battalion was designated as Hun Sen's bodyguard unit, it was simply referred to as Bodyguard Unit #2. The First Prime Minister was protected by Bodyguard Unit #1 formerly, the 1st Battalion, 17th Regiment.

4) It appears as though Bodyguard Commanding General, Huy Pised, and the on-scene commander, Chhin Savon, were uncooperative in the investigation. Is this an accurate description of their attitudes? Who has ultimate authority over these troops?

Brigadier General Huy Pised, the Commander of Unit #2 was moderately cooperative and made numerous gratuitous remarks to the CA in an attempt to establish rapport. His subordinate, Major Chin Savon, the on-scene troop commander during the March 30 grenade attack, was not cooperative. Chin Savon openly expressed shock that the CA had obtained photos of him at the crime scene.

Unit #2 can only be deployed by Hun Sen or General Huy Pised. This was established and recorded via FD-302. The unit is removed from Ministry of Defense command authority.

5) On Page Nine, the report states that Rainsy became agitated when the FBI informed him that "there were genuine questions about the allegations and motives of the grenade throwers." What were those questions? Was this an insinuation that Rainsy was somehow involved in the attack? Why is there no elaboration on this in the report?

Those are not the words of the CA and do not appear in the report. Rainsy was informed by CA on May 22, 1997, that the investigation was not complete at that time; but, even if it were, Rainsy would not be receiving a copy of the report. It was politely and professionally explained to Rainsy that the CA had no authority to release any official documents or reports other than the sketch artist's drawings depicting the three subjects.

6) Was Brazil ever in the custody of Nhiek Bun Chhay or anyone else in the Cambodian government? If so, when and in whose custody? Why was there contradictory information about this in the report? Why was this matter not clarified in the report?

According to the Government of Cambodia, Brazil was in the custody of General Nhiek Bun Chhay in June 1997. When the Interior Minister ordered that he be made available for interview on July 1, 1997, he received a reply that Brazil had escaped.

7) How did Brazil escape Phnom Penh in July 1997? Are his present whereabouts known? Do we assume his escape was facilitated by anyone? If so, who?

Brazil's whereabouts are unknown and no further information is available regarding details of the escape.

8) Did the FBI, or anyone in or affiliated with the U.S. Government, ever interview Brazil? If so, who and when?

Brazil was never interviewed.

9) Did the FBI, or anyone in or affiliated with the U.S. Government, ever receive a videotape and/or other documents of or pertaining to Brazil?

The FBI received a photograph, videotape, and purported statement by Brazil to the Ministry of Interior.

10) The report ends with a charge that Sam Rainsy's party paid Chhay Vee and Chom Bon Theun to confess to the crime. Coming as it does at the end of the report, the reader is left with the impression that the FBI believes this charge. Is that indeed the case? If so, it is important that you provide the committee with the evidence of this.

No conclusions have been made concerning this issue.

11) Why does the report make no attempt to substantiate or refute this claim?

Attempts are currently being made to determine the veracity of those individuals.

12) Where did the November 13, reinterview with Chhay Vee and Chom Bon Theun take place?

The interview took place in the private home of Om Yentieng, advisor to Hun Sen.

13) Is it true that Chhay Vee and Chom Bon Theun had been arrested in August 1998 by the Hun Sen-controlled Cambodian police? If so, why was this not mentioned in the report?

An article in the Cambodia Daily dated August 31, 1998, reported that Chhay Vy was in police custody. This article was provided by Congressman Rohrabacher's office and not deemed relevant to the report as Vy was interviewed on November 13, 1998, and provided no details regarding his alleged detainment.

14) Why did the FBI reinterview these two suspects on November 13? What specific information came to light in the intervening months? How did that information come to the FBI's attention?

The two individuals were interviewed based on the newspaper article mentioned above. Additionally, the time allotted for the first interview was severely limited at the insistence of Samura Rainsy. There was not sufficient time to ask follow-up questions in order to verify their story. Since the first interview the witnesses recanted their prior statement. There was interest in following-up on their statements. Also, the Cambodian Ministry of Interior (MOI) issued a statement dated 8/29/98, indicating that the witnesses had changed their story.

15) Who was (were) the case officer(s) who conducted the investigation?

There were a number of FBI personnel involved in this investigation. Their identities are confidential.

16) Who drafted the report? At what level within the FBI was the report approved? Were other agencies of the federal government involved in drafting, reviewing or approving the report? If so, which agencies and which officials?

The report is a summary of the investigation that was prepared by an analytical unit at FBIHQ. The report was approved by an FBI Assistant Director and provided to Congress as requested in the "1998 Foreign Operations Appropriation Act." No other agencies were involved.

17) At what level within the FBI were the parameters of the investigation set? For instance, who in the FBI was involved in deciding who should or should not be interviewed, authorizing those interviews, and deciding whether or not agents should leave or return to Cambodia?

Depending on the circumstances and facts surrounding a case, the parameters of any investigation are set by the CA in consultation with field office supervisory staff, FBIHQ, the United States Attorney's Office, and others. In addition, overseas investigations are further coordinated with the Ambassador in country who has the ultimate authority to allow Agents country clearance to conduct investigations in country.

18) To what extent were the State Department and the National Security Council involved in setting the parameters of the investigation? Were any State or NSC officials involved in deciding who should or should not be interviewed, authorizing those interviews, or deciding whether or not agents should leave or return to Cambodia? If so, which individuals?

The State Department and National Security Council do not set parameters for FBI investigations. However, as mentioned above, extraterritorial investigations are often coordinated with the Ambassador in country. Ambassador Quinn was consulted with and wished to be kept apprised of developments regarding this investigation which is his prerogative.

19) According to a Cambodian government report from May, 1997, several eyewitness claimed that several hours after the attack, two men who looked like suspects were seen boarding a helicopter with Kun Kim, the Vice-Governor of Kandal Province. They were earlier seen near the helicopter landing site in a vehicle with Him Bun Heang, an assistant to General Huy Pised. Why is this apparently relevant information not in the report?

On May 28, 1997, the CA addressed this issue with the Investigative Commander Teng Savon. Savon informed the CA that this persistent rumor regarding the two alleged suspects being flown in the Cambodian helicopter was simply not true. Investigation related to the helicopter was conducted by an Agent and reflected in his report.

20) According to the same Cambodian government report, the FBI agent in charge was quoted as saying "Those men who threw the grenades are not ordinary people. They are Hun Sen's soldiers." He substantiated this claim by pointing out that the perpetrators escaped into the nearby CPP compound, abetted by guards who opened the gate for them and who then denied seeing anything. Was this an accurate quote of the FBI agent in charge? Who does the FBI now believe to be the prime suspect(s) in this case? Who does the FBI believe ultimately to be behind the attack?

According to press reports, a plethora of false, inflammatory, and classified information was released by police officers who were members of the Investigative Commission to the press. The Commission was composed of officers representing two opposing political parties. Partisan politics obviously influenced the motivations of local officials and officers. The FBI often in extraterritorial investigations finds that political motivations influence sources of information provided to law enforcement or to the media. The task of ascertaining the veracity of sources of contradictory information is often difficult in these investigations.

The remark was never made by the Case Agent. An accurate description of the conversation of May 22, 1997, between Rainsy and the CA is transcribed in the investigative file. As this case is still a pending matter, the current available facts do not warrant speculation as to who is responsible.

We understand the Committee's interest in this case, and we will keep you and your staff advised should there be any new developments.

Sincerely yours,

NEIL J. GALLAGHER,
Assistant Director,
National Security Division.

APPENDIX 3

CAMBODIAN POLICE REPORT

Translation of the attached three-page letter hand written in Khmer

Kingdom of Cambodia
Nation - Religion - King

Ministry of Interior
Department of Administration

Confidential

Phnom Penh, May 23, 1997

Respectfully submitted to
His Excellency Minister of Interior

Subject : Report on the grenade attack on March 30, 1997 on a group of demonstrators in front of the National Assembly, and on the evidence-based sketches of the terrorists.

- Suspect or Unit # 1 : Called "KAKI"

This is a group of up to three terrorists whom we call "kaki" because they were seen by witnesses as wearing kaki (colour) clothes. They are the terrorists / criminals who threw grenades [twice].

- First time: One of the terrorists threw a grenade onto the group of demonstrators and [the grenade] landed on the street. Before throwing [the grenade] that person turned his head to look back at the soldiers who had been deployed on the lawn [of the park], near the statue of the [mythological] bird.

- Second time: A person [of the same group, may be the same person] threw [another grenade] onto the group of demonstrators and [the grenade] landed on the street again. Then the criminals withdrew.

- Suspect or Unit # 2 : Called "GREEN"

This is a group of up to two persons who were seen by witnesses and who reportedly looked like each other physically. They were reported by witnesses as terrorists wearing green clothes ("military green"). One of the two persons threw a grenade which landed near the sugar cane seller. That grenade provoked the highest number of killed and wounded people.

- Suspect # 3 : Called "HAT"

Witnesses saw a terrorist wearing a hat called "Mao Tse Tung hat". That person was the leader [of the team of terrorists]. His role [included the monitoring of] the bodyguards of Mr. Sam Rainsy. That person threw the fourth grenade which landed not far – about 20 m – from the one [which had landed near the sugar cane seller], on the alley covered with red stones. Witnesses saw that person run along the street south of Wat Botum, towards the compound of the forces in charge of the protection of Second Samdech [Hun Sen]. The compound is [just next to] the residence of Second Samdech [Hun Sen].

The person(s) who threw the first grenade and the second grenade ran into the pagoda which they crossed until they reached the compound of the bodyguards of Second Samdech [Hun Sen]. At the gate of the compound, the guards in duty there opened the gate and let them in.

As for the second person called "GREEN", he was seen on several occasions by a "witness" before the incident, precisely one day before the grenade attack, i.e. on March 29, 1997.

Mr. [REDACTED] noted that soldiers that were deployed on March 30, 1997 did not number 15 as the General who commands the bodyguards of Second Samdech [Hun Sen] reported, but in fact there were up to 40 of them. This means that the General and his subordinates "lied to us". Actually, on that day, about 10 soldiers were positioned in front of Wat Botum but there were 4 similar groups in total which were scattered from the Elephant Barn [a corner of the Royal Palace] to the area in front of Wat Botum. According to General Teng Savong, the [CPP] soldiers were positioned along a line from the residence of Samdech Chhea Sim to the eastern corner [at the other end] of the park. Mr. Teng Savong added that this deployment had been ordered because they knew that on March 30, 1997 Mr. Sam Rainsy was going to organise a demonstration.

Afterwards, Special Agent [REDACTED] noted that there were in fact up to 40 soldiers but those soldiers pretended that they did not see any perpetrator of the grenade attack cross their line. [REDACTED] said: "I can confirm that the man who threw the first grenade turned his head to look at the soldiers first, before throwing the grenade. I have reliable witnesses". Mr. [REDACTED] continued: "Immediately after the grenade blasts, all armoured personnel carriers (APC) [used by Hun Sen's bodyguards] started and heated up their engines, making a very strong noise in the area of the CPP compound. Then TEAM # 4 moved to the objective which had been assigned to it. I want to know who was guarding the gate [of the compound at that moment]. I want to meet those guys. That team had been instructed to control all movements at the gate and they said they saw nothing. There are witnesses who saw men wearing kaki clothes and green military uniforms running across the pagoda, and the guards at the gate of the CPP compound [located behind the pagoda] opened the gate and let the men into the compound".

Mr. [REDACTED] said: "Those men who threw the grenades are not ordinary people. They are not students who live in the pagoda with the monks. They are Hun Sen's soldiers. They are probably the worst people in the world. In doing my job here, I don't have any political bias".

Mr. [REDACTED] added: "There are 2 reasons [to believe in the involvement of Hun Sen's soldiers in the grenade attack]:

1- Military deployment

Team # 4 immediately took position to defend [the CPP compound] and all the APC were also immediately ready to intervene.

2- [Complicity with and assistance to the perpetrators]

[Even though the guards at the gate of the CPP compound] saw the perpetrators wearing kaki clothes and green military uniforms run through the pagoda, [they] open the gate for them and let them enter the CPP military compound. [In spite of the evidence] they denied everything.

Finally, [General] Teng Savong acknowledged that there were suspects who ran across the pagoda [towards the CPP military compound], but why do these [CPP] people refuse to speak [about those suspects] ?

I beg Your Excellency to take note of the above facts.

[Signed] .

[REDACTED]

Translation of the annotation in French

Submitted to the very high information of Samdech Krom Preah, First Prime Minister [Norodom Ranariddh].

Very respectfully.

Signature of [REDACTED] 05/23/97.

Special reports. April 26, 1997

FBI agents were briefed by MOI officials on Saturday afternoon April 26, 1997 at 14:40 with Teng Savong given description to event, leading to the grenades attack on Sam Raingsi in front of the National Assembly on March 30, 1997. Using the occasion after showing two tapes before the attack and the aftermath where a general overview had been outlined. The committee was deadlocked on how and what went on before and after the attacks. The committee was unsure on how many perpetrators staged the attack whether or four are still undecided; but admitted that there were four grenades thrown. The question on how and where the first grenade was thrown from is still unclear. The committee estimated the time of the attack is 8:25 and it was occurred at between 15 to 20 seconds interval. Also, Teng Savong used too much time attacking Sam Raingsi instead of giving details information relating to the investigation, claiming that Sam Raingsi was uncooperative. He said he want to interrogate Sam Raingsi and his followers but found no one or a representative. And in reference to this subject, special agent [REDACTED], asked whether he can get to interview Sam Raingsi or that Gen Teng Savong will give permission to talk to Sam, the reply was "I would like to get the approval from Co-Ministers. On this question Savong was referring to something else before giving straight answer.

Special agent [REDACTED] I met [REDACTED] again later in the evening in the presence of [REDACTED] at his residence. Topics of the discussion were: Go back to sources I talked and secondly get tapes or pictures from AP, Reuters, CNN and Nihon Denpa News, Japanese. [REDACTED] said he will have the Bureau bin NY do it. I mentioned [REDACTED] whom I get most of my good information and [REDACTED] quickly said [REDACTED] called him in BKK two weeks ago, wanted to talk; but he turned down because he need to consult U.S. official in [REDACTED]. Now it is time That I should go to see [REDACTED]. [REDACTED] also said we need to move fast on these things. Both [REDACTED] and I agreed and I added we lost one month already. [REDACTED] said He got disturbed with Teng Savong whom he described as too much of a Gen. to lead the investigation. He thrown a lot gabbages and for a month now they found nothing. I said back that is why we asked for help. [REDACTED] mentioned that he will rent a room in a hotel may be Hawai so that the sketch artist can work with the eyewitnesses soon. I told [REDACTED] that could be arranged. Persons responsible, especially Chief of the Municipal police, Khand Daun Penh chief of the police and the guards in front of the wat should be interviewed too, [REDACTED] said before he left to meet Michael, and mentioned that he wanted to see more documents, tapes and photographs ASAP. The Bureau wanted to send grenade fragments to the lab for analyzing and identifying. The agent, on the other hand, suspected that a white vehicle or the liquor truck dropped the grenade, after inspecting the bomb craters. Three craters already identified that the grenades were lobbed.

April 29, 1997.

Special Reports:

The eyewitness from KM-6 has been brought in to do the sketches with the agent today at 14:30. We rented the room at Hawai # 401, joined by three other agents. We have a new guy, named [REDACTED], who just arrived yesterday. So far there are four agents now working in the case.

I worked with [REDACTED] who delivered the eyewitness to me at his home and where I picked him up at 1:10 and brought the man to the hotel to meet them at 1:30 sharp. All the agents were waiting for me in the room where they rented before I got here. I left them with the agent, but [REDACTED] men were there to protect the man and now they worked with the investigation team until dark.

Also this morning, we have a meeting with forensic department. [REDACTED] explained in details out from the picture his department had made. He showed where they picked up the three grenade spoons and a pin. Special agent [REDACTED] asked many questions in regards to where the pin and the spoon come from and how they found the small fragments. The response was that the spoons were laid in the grass after the attacks, meaning several hours when they found them. They found the pin a day later and as for the fragments, they used the magnet to collect them.

The team went to the spot (crime scene), because [REDACTED] wanted [REDACTED] and his men to show them the spot where they found the pieces of evidence. After a while Special agent [REDACTED] described how the grenade was thrown and because according to the craters all of the grenade were lobbed from behind the crowds. He indicated that he was certain that if the spoon broke off from the grenade after it was thrown 10 feet in the air. I also indicated that # 1 was thrown from the back of Sam Rainsai or about 20 feet that where it crashed into the street in front of the entrance of the National Assembly. Three others grenades was thrown by two others perpetrators because it landed far apart from each other. Two exploded by the sugar cane vendor where many people got killed the other one is about 30 feet away. The assumption was that it got to be three throwers. He will make the definite assessment next week after he hears something from the Lab.

Friday May 2, 1997.
Special Reports:

Teng Savong brought a witness who he claimed that he saw the grenade thrower lobbed four grenades at Raingai's protesters on March 30 1997. He identified as [REDACTED], a police officer from the Dept. of foreigners. [REDACTED] said he followed every step in which he claimed that the guy who he described as wearing a green army jacket with the pants almost the same color. He said first the man threw what appeared to be a paperball, wrapped around the grenade. "I saw the paperball flew over and I quickly asked him what is he throwing." the man answered that to make fun. And then there was an explosion and that same guy jogged four to five step turned around and threw the second grenade and followed the others # 3 and # 4. He did it in good sequence [REDACTED] said as demonstrated in front of the FBI too show how the perpetrator threw the grenade.

Agents [REDACTED] asked me the night before who the witness will be. I told [REDACTED] that Teng Savong is going to bring a witness who claimed that he saw a witness threw four hand grenades. Agents [REDACTED] quickly said it is bullshit, I'm not going the meeting tomorrow. So, [REDACTED] was not present at the meeting on that day.

Kenneth M. Quinn and special agent [REDACTED] met Sar Khang on Friday afternoon at his residence at 3 P. M. Subject of the meeting was "Lack of cooperation with the cambodian counterpart on the grenade incident." Ambassador Quinn reportedly told Sar Khang that the investigation is going nowhere due to the lack of cooperation with the committee. He said the FBI team is here to fulfill your request the committee on the other hand must do something more concrete and according to [REDACTED], the ambassador asked Sar Khang if he could arrange a meeting with the soldiers. Sar Khang told Quinn that already wrote a letter to HUN SEN but received no reply.

Monday May 5, 1997.

Federal agent met [REDACTED] along with the sketch artist met the # 1 witness at the Princess hotel around 3:20 a.m. in the afternoon of May 5, 1997. There the agents asked the witness numerous questions relating to the grenade attacks which occurred on March 30, 1997. He told the agent all the account that surface during and the aftermath of the attacks. [REDACTED] He demonstrated the events that took place on that day. About an hour later, the sketch artist began working on composite drawing of suspects by asking the witness to show the form of the head, forehead, hair style, eyes, eyebrows, eyelid, mouth (form) Ears, and so and so. After half an hour later the drawing was completed for correction. The picture showed more than 80% accurate according to the witness. He satisfied with the drawing and seemed to be very happy with the picture and he said to the agent that "The Man Look Like That."

Special Reports:

May 3, 1997

On Wednesday afternoon at 1 P. M. team from the FBI met [REDACTED] at the same place where they had talked to the first eyewitness. The Chief of the team asked [REDACTED] to describe what was happening on the morning of March 30, 1997, beginning from the start. [REDACTED] started by saying that he and the rest of the group numbered about 40 to 50 began walking along with Raingai toward the National Assembly. He then was struck and surprised to see that there were some soldiers guarding around starting from the side of the Royal Palace and knew something is going to happen, and as they walked some whispered that it is probably Funcinpec soldiers come to protect us. After the group reached the National Assembly, [REDACTED] said he positioned himself behind Raingai, a little bit to his left about 10 feet, then " Boom " he said he didn't see who threw the grenade but saw it flew over the Brewery truck. The truck is rolling and the grenade rolled into under a white car and exploded. He said blast shook the crowds and made them run for cover. Then as he turned around behind him there was that man threw the 2d grenade. " I saw the man throw the grenade and fled after he released from his hand. I could recognize him if I saw him again. " [REDACTED] said and stood up to demonstrate to show the agents the action of the thrower. Special agent [REDACTED] asked, " what did you do after you saw the man ? [REDACTED] responded by saying that he chased after the man, running very fast. There are a lot of dirt bumps that made my speed slow. The guy too, he can't run fast neither, because his fat and heavy. Agent [REDACTED], again asked how are you with the culprit? " About 6 to 7 meter behind him and I saw him run through the soldiers who barricaded themselves in front of the wat. " [REDACTED] told the agent. He said the soldiers were all facing the pagoda, but quickly turned around against him and stopped him by pointing the guns at him. " I was stopped by about 10 m away from the soldiers, while the grenade thrower ran passed the barricade toward the wat. I stood still, didn't know what to do whether to continue pursuing the man or be getting shot at. And a second later someone kicked me from behind and I fell face down. " [REDACTED] continued. Can you describe the man what he look like? [REDACTED] asked " Give a description, do you understand or do you still remember his face, his clothes, hair style anything you can tell, OK. Yes, said [REDACTED] in replying to [REDACTED]. " The man look heavy, muscle and stocky. Look like a body builder or sportsman. " [REDACTED] then, tried to show the height and the way he run. [REDACTED] then produced four sketches and show them to [REDACTED] and then asked " Did you recognize any of these guy? [REDACTED], on the other hand started to look from right to left and back and a second he pointed to the first picture. [REDACTED] quickly asked [REDACTED] again and again to make sure that [REDACTED] doesn't make mistakes. " I am sure that what he look like except that I really didn't see his face long enough. It looks like that man. " How about his clothes, what kind of clothes he is wearing, whether military, civilian or police? [REDACTED] said the man wearing what it look like bullet proof vest and light blue shirt underneath and has cowboy

May 8, 1997.

Dear [REDACTED]

I hope this may be of help to you for background information and to make some corrections the one I passed on to you earlier. I mistated it. Many thanks. [REDACTED]

The comittee on May 5, 1997 met the unit commnder, Gen. Huy Piseth and his assistant Gen. Kim Bun Heang . During the testimony Gen. Huy Piseth admitted that had order to deploy soldiers in front of the wat from around six a.m. He didn't say who gave the order or what purposes. While Piseth was talking, his assistant Bun Heang interrupted by saying that there was no order, there was no troops. Bun Heang told the comittee that his commander talked nonsense. The commander then said that "You weren't there on that day, I knew you went to pick to bag the rice. The meeting came to an end after these two guys argued with each others.

The chopper landed near the circle on the roadway about 2 p.m. in the afternoon of March 30, 1997 and dropped two passengers off. Three Toyota Landcruisers went the chopper and delivered two men believed to be suspects to Vice-Governor of Kandal Province, named Kun Kim Bun Heang was seen with suspects on one the Landcruiser.

Today's meeting is at 2 p.m. at the same place, with motorcyle taxi and later on with the kid.

May 8, 1997.

Dear [REDACTED]

I think this may of help to you. The information I gave to you this afternoon was mistate, so this is a correct one. Thanks.

The comittee on May 5, 1997 met the unit commder, Gen. Huy Piseth and his assistant Gen. Him Bun Heang . During the testimony Gen. Huy Piseth admitted that had order to deploy soldiers in front of the wet from around six a.m. He didn't say who gave the order or what purposes. While Piseth was talking, his assistant Bun Heang interrupted by saying that there was no order, there was no troops. Bun Heang told the comittee that his commander talked nonsense. The commander then said that "You weren't there on that day, I knew you went to pick to bag the rice. The meeting came to an end after these two guys argued with each others. The chopper landed near the circle on the roadway about 2 p.m. in the afternoon of March 30, 1997 and dropped two passengers off. Three Toyota Landcruisers went the chopper and delivered two men believed to be suspects , to Vice-Governor of Kandal Province, named Kun Kim. Bun Heang was seen with suspects on one the Landcruiser.

Your
[REDACTED]

[REDACTED]

May 8, 1997.

Special reports.

Federal agents continued to hear testimony from another witness, the motor cycle taxi driver who talked to special agent, [REDACTED] at 2:30 in the afternoon of May 8, 1997. First special agent, as a routine, introduced himself to the witness that he come from the FBI. He asked the witness to describe the event before the attacks began and where he was. The witness accounted that in the morning of March 30, he took a lady passenger to the site where the protest is taken place. He dropped his passenger by the corner of the Palace. As he started to go forward, looking for spot to park his bike, there was another bike approached me and told me to go away, because the soldiers warned him about something. He said he couldn't figure out what the man was trying to tell him. He started to park his motorbike by the Tamarin tree and went to stay behind Sam Raingsi to buy the sugar cane. He said he walked back a little and started to eat the sugar cane while listening to Sam Raingsi speech. Then there was a loud noise, Boom smoke popping up right in front of Sam Raingsi, I started to lay down and yelled to the others to lie down. Then, Boom, another explosion this one is near the bush, close to the flame tree where they tied a loudspeaker there. A lot of people got hurt all I heard is the moaning and injured people crying for help. I was still stay down, but saw a woman behind my feet was cut in a half, both her leggs are gone. And there was another one who got only one leg grabbed my shirt from behind me needed help very bad. She lost a lot of blood I knew I wouldn't stay neither. She looks pale. I couldn't get up because another grenade just exploded several feet from me. I faced westward, stayed down attentively but did look around to see if I couldn find the grenade thrower. He said as he was just about to get up, because he wanted to help the woman moaning under his feet wanted help, there he saw a man wearing some sort of bullet proof vest threw the fourth grenade about 30 to 35 feet away from him. The man the grenade and started to run westward toward the pagoda. He said there were some people pursued after the guy, but at that time there were two men run side by side, look like he got somebody to protect him. He said he recognized the guy from the back only, because it was quite far and couldn't see his face at all. From afar, he said he saw people dispersed and split away as they chased after the perpetrator didn't what went wrong before they reach the pagoda. But in that morning at 8 a.m. he said he saw some soldiers milling around the banian tree and never thought of anything but thought that it was just some guards belong to people who visited the clinic nearby. I got up and carried the woman to where I parked my bike, but I was stopped by soldiers who came on bikes, riding on the red dirt path, threatening to shoot to kill if I help the woman. They asked me who I was and I said I am a bike taxi. They warned me to say away or get killed. I left the spot and come to stay in front of the Palace. I was thinking about the woman whom I left under the tamarin tree. I said to myself that she is dying, she is dying, then a minute later I went back

Special Meeting with [REDACTED] at Cambodiana room 107.
 Time 4 p.m.
 date: May 8, 1997

Special agent [REDACTED] told the meeting today that the investigation should be moving ahead to talking to the militaryman. We spent enough time already talking to the eyewitnesses and according their account they all witnessed that the culprits ran through the soldiers line. We should soldiers who were there on that day, a captain or somebody lower rank and not the Gen. He said the Gen. Should review the papers, reports not doing captain job. He then turned to Teng Savong and asked " Will we talk to the military tomorrow . " Savong smiled while his eyes glanced toward me and said " Yes 'tomorrow we will meet at 9 am.. Tom continued to say, we should talked to these guys and he produced a stack of Pictures from a manilla envelopes and showed to savong . Savong look without neglect as he is trying to feed into his memory. He look and look several times again and again. It seemed to surprise Savong and he never thought of the FBI could obtain the pictures. Time after time Savong never discussed the soldiers presence not until yesterday when agent [REDACTED] mentioned about moving the investigation to talk to the soldiers, then Savong admitted that there were soldiers at the scened of the blast before and after the attacks. After showing the pictures, [REDACTED] mentioned that these guys should be interviewed. He said he will meet Sar Kheng on Friday to get the permission from the Cambodian airforce or government so that U.S. plane can fly in the cambodian airspace for an aerial photograph on the accident scene in order for the Lab in DC to make test and also having the U.S marines to analyze the spoon of the grenade to show that the spoon had benn moved or not from its original location. In reference to polygraph machine, special agent [REDACTED] said that Sar wanted to have the machine to analyze Sam Rainsai. I said this is also had been prepared and ready to fly here anytime, but If we do rainsai and supposed we do it in front of the press and if rainsai wants other politicians to take the polygraphs, then they should do it.

Special Reports- May 10 , 1997.

On Friday May 8, FBI investigators began questioning Hun Sen's men at the police headquarter at around 9 a. m. First special agent [redacted] introduced himself and then requested the Gen. Commander of Unit #2 which is in charge of protecting the 2d Prime Minister. Please state your name, rank and unit number. The man identified himself as Gen. Huy Piseth, Units # 2 , charged to protect 2d. PM. " Where were you in the morning of March 30, 1997." Tom asked. " Were you anywhere at the park or somewhere nearby, before the grenade attacks? Who usually give the order, the high ranking military or the Chief of staffs to deploy the military and how many men? Gen. Huy Piseth said the Cabinet of the 2d PM usually give the order whenever the PM. travels. " Did you receive the order from the cabinet this time? The answer was " yes". And then, what did you do, you deployed your troops in front of the wat on March 30? "Yes", replied the Gen. " I passed it on to Major Chhin Sovann, you can asked him ." pointing to the man sits two chairs from him. He replied by saying that he was still asleep and that his men woke him up about half an hour later. He said he didn't even know there is a grenade explosion, and upon learning from his men, he then, come to see what was going on. The agent asked again " You said you didn't know about the explosion, then who knows and what units stationed there? Gen. will you tell me what did you know about the explosion? "Like I already told you that I came to the explosion scene half an hour later. I didn't see or hear anything. Nobody came through the line. We don't have anybody. " Huy Piseth still refused to divulge. [redacted] turned a bit upset and broke his silence saying a little high voice. Major Chhin Sovann, I thank you for your presence, I appreciated for your time. How many soldiers you deployed at the park on that morning March 30, 1997, before the grenade explosions. " I deployed 15 men altogether on that morning March 30, 1997 , 5 by the corner of road # 7, by the tamarin tree, five by the end of the green fence and I stationed five men from Chea Sim home to the east of the park." Chhin Sovann told the agent. As he was walking toward the screen ,because [redacted] invited him to come forward in order for the Major to identify where he put his men, the Gen. shouted from behind, ordering him to stop talking. I never come to near the park, we just milled around under the tree and never up to the grass. The Major looked scared when he came up front and complain that he rather just point instead of using the map, claiming that he lost direction. His hand a little shaken. Special agent handed over a stick to Chhin Sovann so that the guy could identify his own place. He refused. We have to readjust the map and showed him the scale and directed him where the pagoda, the National Assembly and the clinic. And for a while he stood still and started to show where he himself had been positioned when requested by the agent., denying his presence an area near the bird. Special agent, [redacted] went to his seat and pulled out a picture from an envelope and came back, put the picture on the table and asked the Major if he could recognize his picture. The Major glanced down, pointed and excitedly shighed " This is my picture. It is me right over here ." In the picture there were six men, four of them lined up , while other two stood by the tree.

Special Reports Continued. page 2

And after a 15 mn breaks, Special agent [redacted] went on, to say to the men that he is not satisfied what he expected to hear from the Gen. and his men. As you already knew, [redacted] changed the tone of his voice, repeatedly saying "The world over, Bangkok, France and the U. S. press reports as well as eyewitnesses, they all said that the killer ran through your line at least two men. They all ran passed the soldiers line toward the wat. I have to believe them if you don't tell me anything, I have to believe them not just that they said so; but they seen them running toward the Wat and that nobody stopped them. They said that your troops threatened to shoot them to kill, was it right? No! replied the Gen.

The Major as well, helped the Gen. by saying "We already told you that we were there just to secure the perimeter around the 2d PM compound. Anything else happening, we didn't know."

"Well supposed there is an explosion to cover a trick and there is a terrorist wanted to kill the 2d PM. The terrorist run passed your line and you don't know then the terrorist succeeded in killing the 2d PM. whose in your men are responsible? exclaimed [redacted]. I was in the marines, law enforcement officers of the U. S. , I take care of my duty, I don't neglect by letting an outsider through my line or through my area." [redacted] Added.

The Gen. still refused to say that his men seen anybody run passed the line except to say that after the explosion, there were many people run toward his line and that his job was to throw people back from getting near the line.

Tom the other hand said to the men that according to eyewitnesses that the soldiers even kicked them and threatened to shoot to kill during the encounters.

At the end of the meeting Teng Savong referred to the two [redacted] who got injured and stayed at [redacted]. He said he found one of the [redacted] and the other still have to locate his whereabouts. Teng Savong wanted to bring these two as witnesses for Monday's meeting.

Agent [redacted] said to Teng Savong "Are they injured during the grenade attacks." The replied was yes.

At the end of the meeting Special agent [redacted], briefly talked to Hun Sen Gen. that he believed the grenade thrower run through your line and that the officer in charge should be responsible. The criminals armed and dangerous that could endanger the lives of your troops. You stay on the top and you don't see what happened by having an infiltrator passed your line, I don't understand. People are afraid of the soldiers, when they see one. Many went back home due to the presence of the soldiers. This is not ordinary at all to what they afraid of. As you have already known, the police doesn't own hand grenade, the press don't have one. What they know is that only the soldiers possessed the grenade. We have to be careful with these people, because they are hardcore criminals and they are not [redacted] neither.

Special Reports
May 10, 1997.

On Thursday Afternoon May 7, 1997, Special Agent [REDACTED] briefed the committee after the meeting with a witness, motorcycle taxi-driver.

[REDACTED], told the committee that he spent several days in Bkk to reports to his boss, The Secretary of the FBI from DC. He said the U. S is requesting the Cambodian government to seek the permission to have an American AF to overfly the country airspace in order to take picture of the explosion area, and to enable the lab. to conduct the experiment on the grenades blast. The pin and the spoon is in the hand of the U. S. Marines, checking on the exact positioning of the grenade when it exploded. He suspected that the spoons and the pin had been changed from its exact location when they removed them. He mentioned again and again that we must go to phase# 2, that is to request the military to send the men so that we can talk to them. He, then looked at Teng Savong and said Gen. "Do we have Hun Sen's soldiers or not for tomorrow? Savong dryly, replied that " Sure we will have the guards tomorrow, that is Friday morning at 9a.m." Special agent [REDACTED], also said seriously, " We must take the next step of the investigation. The investigation should go up or go down," he added.

13

May 14, 1997

FBI -Interview [REDACTED]

[REDACTED] living at [REDACTED] on Wednesday May 14, 1997, at 3:30 p.m.told Federal agent he was a bystander went to see the demonstration staged by Sam Rainsai and supporter on march 30, 1997.

He said he stood behind sam Rainsai and the crowd about a few meter away from him. While standing still and listen to the speeches, then suddenly I heard the explosion (Boom), refering the sound of the explosion. People yelled to take cover, and then He said he dived down with face down, then I was hit in my leg, I didn't even know that I got injured. I stayed down until about three minutes after the third explosions and I decided to get up and tried to walk to the [REDACTED]. It hurt bad I couldn't walk and asked motorcycle to help me to carry me to [REDACTED] after I received some bandage. I stayed at [REDACTED] for five minutes and then I decided to go to Kossamak hospital for treatment. In response to the question put out by the FBI to what kind of clothing he was wearing on that day, the guy said he wore stripe shirt. " Do you wear a hat or you have a hat? Do you wear a jacket or a vest? the answer was no.

14

Special Reports:

On Thursday May 15, 1997 Special agent [redacted] who led the team of FBI investigator told The Investigative Committee during a working dinner at Ly Lay restaurant that he wanted to recommend to the Committee the followings:

The Committee overseeing the investigation of the grenade attacks on March 30, 1997 against Sam Raingsi demonstration must blame the military units which stationed on street # 7 in front of the wat, near Kuntha Bopha clinic, under the tamarin tree and banian tree and also at the part at 6 a.m. and according to Hun Sen's Units # 2, commander Huy Piseth revealed that the 2d Prime Minister cabinet gave the order on March 29 at 6 a.m., to dispatch the soldiers in order to secure the perimeter against infiltration. He said Major Chhin Sovann, the assistant to Gen Huy Piseth admitted that he put 15 men in the area of the corner of the Clinic between road 240 and 7. Also some men starting from Chea Sim home to the east of the park by music box. Special agent [redacted] also recommended the military units must be responsible as to why under the hot summer, especially in Cambodia, these soldiers were in combat ready armed with AK47 rifles and wearing hats with netted. " It looked to me as they were in manoeuvre or sending to the battlefield. It looks to so bad that they were there not protecting civilians but threatened to shoot people instead. " He said never in the world a military units confronted the civilian. If that so, they look very bad, very bad for the country, especially the 2d Prime Minister. " People all over the world learned from the press, from eyewitnesses accounts, from diplomats, they pointed their fingers at the 2d Prime Ministers. I have to believe them; because Hun Sen's people didn't say the truth. " [redacted] said during the interview with the unit commander when [redacted] asked him why his men didn't stop or arrest the grenade thrower.

[redacted] told "Teng Savong again and again in front of the committee there is nobody else except Hun Sen guards let the grenade thrower into the compound through the pagoda. You have to mention it in your report. He said to Savong that you should likewise to Sam Raingsi, why didn't do the job of protecting the protesters. They should look in the back, facing the soldiers who they grew suspicious. They should wonder why the military doing in the hot summer sun with netted helmet and some of them with two rifle. The police and MP have body armored, why they are doint with these weapons, grenade launchers. The civilians are unarmed. These body of S. R. should be blamed also. Agent [redacted] cut the conversation by saying that the street should be free for protesters and this is what the " the real democracy is all about. If you threatened the civilians and use the guns, democracy will go down the drain. Teng Savong whispered to my ear saying " We knew who gave the order to attack the protesters but what I can I say. It is too dangerous.

May 20, 1977.

Special Reports.- Interview [redacted] on 5-13-97
 After an arrangement a pick and taken to a safe location, we informed the agents that the eyewitnesses are ready to talk. There were two [redacted] whom [redacted] brought to the location. I came by myself to meet the [redacted] FBI agents went there afterward as arranged. On location two [redacted] were waiting and ready to talk as agent named [redacted] along with a sketch artist, [redacted] It was delayed due to traffic and communications problem. The agents need to have clearance from [redacted] in order to go outside of town. Later on [redacted] called me and gave the O. K. Immediately after they arrived at 3 p. m., scheduled to meet at 2 p.m., investigator, [redacted] invited [redacted] to the table. [redacted] introduce himself, flashed his FBI badge and said " My name is [redacted] . I am from the FBI. I was invited by the cambodian government help the investigation on the grenade attacks which occurred on March 30, 1997. [redacted] added by asking [redacted] to give his name and where he lives. He said don't be afraid "Your identity won't be revealed and it is for the matter of records only ."
 Then [redacted] began questioning [redacted] by asking him to tell him what he knows and what he saw before and after the bombing and where were you? [redacted] told the investigator that he was inside his [redacted] after the explosion, sit by the window by himself, looking out and suddenly appeared a guy looked nervous, he walked a little fast and there was another man followed behind. He looked very nervous and he kept looking back to his left and to his right as he walked across [redacted] . The man behind him looked ordinarily . he looks o.k. not nervous. But the nervous guy walked differently that why I asked a friend of mine who lived next to my bed to come and see. My friend didn't pay attention, even I kept calling him many times. I looked at the guy since he entered the [redacted] , from the distance until he walked passed my place. I looked at him until he went to the back of the pagoda [to CPP compound. What the man looks like? What kind of clothes he is wearing, Military boots or can you describe? The guy looked like he is 1.60 or 1.65 height , well-built , wearing some kind of white shirt , I'm not sure, didn't pay much attention but have some kind of dark green jacket or vest outside. His hand is holding a hat. The agent spent about two hours on this interview. He asked the same question again and again to make sure [redacted] doesn't tell a lie. He checked and double checked, even he goes back from the beginning. He then asked [redacted] to take a little break before he can bring mike to draw the sketches.

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After a short break artist [redacted] began working on the drawing of suspects. [redacted] pulled out stacks of pictures sample and documents, facial drawings and description of hair styles he compiled before showing to [redacted] to choose. [redacted] then asked [redacted] to pick the hair style, facial expressions, eyes, eyebrows, eyelids, eyeballs, cheeks, nose and chin. Side hair, near the ears and around the ears. Heights of the hair top. After [redacted] chose what he needed to know, [redacted] start to compose by starting to the face, followed by the hair, the eyes so and so. [redacted] coded all number on his pictures sample when [redacted] told him on the description, very details on each question. From the note he taken and from pictures sample of general description, artist [redacted] could draw any picture just by way of telling. Artist [redacted] asked [redacted] to take a little break and I offered him some water when he asked for it. 30 minutes later, [redacted] produce a fine picture of man suspected of throwing the hand grenade to the crowds at rally during which Sam Rainsi gave a speech in front of the National Assembly on March 30, 1997 at 8.25. [redacted], then asked [redacted] to approach his table and said "Well, do you want to make corrections, speaking through an interpreter from U. S Embassy. I helped some, because the man from the Embassy didn't understand some technical words. Then I added "[redacted] please look at the hair, is it O. K.? How about his eyes, his eyebrows, nose mouth, cheek and chin? [redacted] said the eyes seemed a little bit bigger as well as the eyebrows. The hair thicker but more like a stand up and more hair on his side head. The hair around his forehead is some sort of round and the chin O.K. but his jaw is bigger and then I said "Tiger Jaw " right? [redacted] nodded and agreed. Also the chin is round, [redacted] added. Artist [redacted], again started to change the hair style so and so. It took him 10 mn and he asked all of us to take a look. This time I asked [redacted] "How many percent [redacted] do you think?" The replied as about 60 percent right. Then I said well we need to change more and I called [redacted] to make some more change. He held the drawing up close and spread away a bit and then brought up close, looked and looked and said the hair around the ear is thicker and also this hair drops to much is front and then I pulled a picture sample and said is it this kind, "yes " answered [redacted] [redacted] went back to change some more and finished in 5 mn. "Eh! It looks great, we all yelled and now how many percent right, [redacted] About 80-85 replied [redacted] took a little break sipped some seven up, pulled a cigarette, lighted and then I said puff up again, ah... [redacted] smile and blew up his cigarette smoke away. He, then began working on his second drawing as usual with [redacted] until 6 p.m.. We have to go back to town, because I have another appointment with the woman eyewitness who claimed she saw Kun Kim climbed aboard a helicopter on March 30, 1997 at 2 p.m. It was [redacted] and his men who found the woman.

May 20, 1997.

Special Reports:

In the evening of May 13, 1997 I brought a woman who claimed she saw a helicopter landed in front of Hun Sen park on the circle tip at the southern end of Chea Sim park. At around 4 p.m., she said a black toyota big car pulled in and stopped near the circle by Chea Sim park. At the same time, a small helicopter came down to land with blade running.

" I saw two people came down walked toward the car, while three men, two of which were civilians run toward the helicopter. The other man is a military stayed near the black car. " the woman said with shaky voice.

Asked who were the two men ran toward the chopper, the woman said "A photographer told me it was Kun Kim ." She refused to say exactly who he was because as she said she has eyesight problems.

May 14, 1997.

At 6 p.m. I brought a photographer named [REDACTED] to meet FBI agents at Royal Phnom-Penh as arranged. [REDACTED] who worked at and around the park (Hun Sen park) near the circle for sometime as [REDACTED].

In the afternoon, on March 30, 1997, I saw three or four cars, Land cruisers. I recognized only two, one is dark green, the other is white bearing government license plate. parked by the way to the old theater, near the circle with soldiers watching. Three other cars parked near Chea Sim park, also have soldiers guarding.

Soon after the landcruisers arrived, only one minute apart, the helicopter came to land at 2 p.m., said the photographer who saw three men , two of whom are civilians ran toward the helicopter , while she blades were running. The other man was a soldier stood guard by the darkgreen toyota landcruiser and watched the two men climbed aboard the chopper.

When asked who were those men and how tall they are and what kind of clothing they were wearing? [REDACTED] took a little breath, looked at [REDACTED], the FBI man and said " These two guys are big guys. One is wearing white shirt with stripe krama around his neck." people said it is " Kun Kim "when they saw my picture later on. "I didn't even know who the man is as I don't see his face. "the [REDACTED] added . He said he wore a cap, sort of black or gray cap as he didn't too much attention.

He said the helicopter didn't even touch the ground when both men climbed up. The helicopter took off and headed southeast and the cars started to leave just about the same time.

May 23, 1997.
 Special Reports on Sketches provided by the FBI.

Subject # 1 nicknamed "KAKI"
 Subject was seen wearing "KAKI" clothes during the time he threw the hand grenades. He was seen throwing the grenade #1 and # 2 to the street and pulled back. He looked at the soldiers before he threw the grenades.

Subject # 2 nicknamed "GREEN"
 Subject was seen wearing "GREEN" uniform or soldier uniform. He threw the 3rd grenades into the "SUGAR CANE CART" and where many people got hurt during the blast.

Subject # 3 nicknamed "THE HAT"
 Subject was seen wearing the "HAT", he is the Commander in charge of guarding and watching Sam Rungsa men should anything happens. He threw the 4th grenade to cut down on the protesters and in order to cover the escape.

Subject # 1 and # 2 ran toward the Wat, through HUN SEN's protection units, through the Wat and went to the barracks or CPP compound with the help of somebody opened the back gate.

Subject # 3 ran south through road # 7, but turned west on the alley south of the Wat through CPP compound and headed toward Hua Sea residence. Subject was seen many times before and also the day before the bombings that is March 30, 1997.





